

Honolulu, Hawaii

APR 09 2015

RE: S.C.R. No. 128

S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.C.R. No. 128, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF  
PUBLIC SAFETY TO FORM A WORKING GROUP TO EXAMINE SMARTER  
SENTENCING TO IMPROVE THE QUALITY AND RELIABILITY OF STATE  
CRIMINAL SENTENCING PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Request the Department of Public Safety to form a  
working group to examine smarter sentencing to improve  
the quality and reliability of state criminal sentencing  
policies and practices; and
- (2) Request that the working group submit a report of its  
findings and recommendations, including any proposed  
legislation, to the Legislature prior to the convening  
of the Regular Session of 2016.

Your Committee received testimony in support of this measure  
from the Community Alliance on Prisons and The Sex Abuse Treatment  
Center. Your Committee received testimony in opposition to this  
measure from the Department of Public Safety.

Your Committee finds that the increasing number of  
individuals imprisoned has led to rising operating costs,  
community reliance on incarceration, and growing numbers of



inmates prematurely released from prison each year. Interdependency among participants in the judicial process needs to be recognized in working with each other and in the decision-making processes regarding offenders. A working group to examine smarter sentencing, which enhances the decision making ability of criminal justice stakeholders in the selection and application of fair and efficient sanctioning goals, will improve the quality of the State's criminal sentencing practices.

Your Committee notes the concerns raised in the written testimony submitted by the Department of Public Safety that the Department would not be able to fulfill the requirements under this measure. The Department testified that it does not participate in the adjudication and sentencing phases of the judicial proceedings aside from housing those detained by the courts.

Accordingly, your Committee has amended this measure by:

- (1) Identifying the Judiciary, rather than the Department of Public Safety, as the body responsible for forming the working group to examine smarter sentencing;
- (2) Amending the title accordingly;
- (3) Expanding the working group to include the Director of Public Safety; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 128, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 128, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

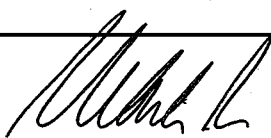


GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SCR 128 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">4/6/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	7			
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: right; font-family: cursive; font-size: 1.5em; margin-top: 10px;">  </div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes